IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 16335 of 2007(T)

PETITIONER:

MARTHAI GEORGE MAMOOTTIL,
KOCHUPURAKKAL, PRAMATTACKKARA,
PANDANADU,
CHENGHANNUR.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL
SRI.K.R.VINOD

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
ALAPUZHA DISTRICT.

2. THE TAHSILDAR,
TALUK OFFICE, CHENGANNUR.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

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W.P(C) No. 16335 of 2007

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Dated this, the 6th June, 2007.

J U D G M E N T

The petitioner challenges Ext.P2 order by which he has been directed to vacate the land referred to therein and demolishing the building constructed by the petitioner unauthorisedly within twenty four hours. The petitioner admits that on 12.10.06, the petitioner was actually issued a notice directing him to show cause why he should not be evicted from the property in question and he had filed his objections. That being so, the remedy available to the petitioner is to file an appeal against Ext.P2 as provided under the Kerala Land Conservancy Act and Rules. Accordingly, without prejudice to such right, this writ petition is dismissed . If the petitioner files an appeal within one week from today along with a petition for stay, it would be accepted by the Appellate Authority and the prayer for interim relief shall also be considered expeditiously.

2. The learned Government pleader points out that the petitioner is the father of the owner, not the owner himself. That question, the Appellate Authority can consider independently. It would be open to the petitioner to file an appeal with proper authorisation.

For this purpose, further proceedings pursuant to Ext.P2 shall be kept in abeyance for a period of one week.

S. SIRI JAGAN, JUDGE.

Acd/